THE

EIGHTEENTH AND NINETEENTH

REPORTS

FROM THE

COMMISSIONERS

APPOINTED BY HIS MAJESTY

TO EXECUTE THE

MEASURES RECOMMENDED

IN AN

ADDRESS OF THE HOUSE OF COMMONS,

RESPECTING

The Public Records of Ireland.

WITH AN APPENDIX.

1828—1829.

Ordered, by The House of Commons, *to be Printed,*
23 *March* 1830.

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Irish Record Commission:

EIGHTEENTH

ANNUAL REPORT;

Dated 25th March 1828.

[Presented 23d March 1830.]

TO THE KING'S MOST EXCELLENT MAJESTY, IN COUNCIL.

WE, the Commissioners constituted and appointed by His late Majesty's Royal Commission, bearing date the 30th day of August 1810, for carrying into execution the Measures recommended in the humble Address of the House of Commons to His Majesty, with respect to the state of the Public Records of Ireland, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same; Whereby We, the said Commissioners, are authorized and empowered to nominate and appoint, from time to time, Persons of ability, care and diligence, to act as Secretary and Sub-Commissioners, to be employed in methodizing, regulating, and digesting the Records, Rolls, Instruments, Books and Papers, in His Majesty's several Offices; and in causing such of said Records as are decayed, and in danger of being destroyed, to be bound and secured; and in making exact Calendars and Indexes thereof, and in superintending the printing of such Calendars and Indexes, and original Records and Papers, as should be ordered to be printed; and to certify unto the Commissioners of His Majesty's Treasury for the time being, what would be a fit and suitable recompense to such Secretary and Sub-Commissioners respectively, for their pains and services in the execution of the Duties required to be by them performed: And We the said Commissioners, or any three or more of us, are further required, on or before the 25th March in every year, during the continuance of the said Commission, to certify to His Majesty's Privy Council, in the manner therein directed, all and every of the several Proceedings of Ourselves and the said Sub Commissioners, had by virtue of the said Commission, together with such other Matters, if any, as might be deserving His Majesty's Royal consideration, touching or concerning the premises,—

DO most humbly beg leave to certify to Your Majesty, That We have proceeded on the several Works stated in our former Report to Your Majesty in Your Privy Council. And We beg leave most humbly to lay before Your Majesty the following State of the Proceedings, had, in pursuance of said Commission, from the 25th day of March 1827, to the present time.

STATE OF PROCEEDINGS TO 25th MARCH 1828.

REPOSITORY	Sub-Commissioners and Others, to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED	PROGRESS.
Rolls Office	Mr Tresham	The draft Index of Persons and Places formed to the early Patent and Close Rolls in this Repository, to be arranged in dictionary order, and printed	The arrangement and printing of the Index of Places completed, and that of the Index of Persons nearly so.

(continued.)

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STATE OF PROCEEDINGS TO 25th MARCH 1828.

REPOSITORY.	Sub-Commissioners and Others, to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Rolls Office—*continued*	Mr Hardiman	An Index of Persons and Places to the printed Repertory of the Inquisitions in the Province of Ulster, in this Repository, to be compiled, arranged in dictionary order, and printed.	Draft Indexes, consisting of 1065 pages, compiled to the Fermanagh, Londonderry, Monaghan and Tyrone Repertories of Inquisitions—and Catalogues of the Inquisitions in each County in this Province, prepared and printed.
	Rev. Edw. Groves.	The continuation of the Calendar of the Patent Rolls, from the commencement of the reign of James I to be prepared, collated, revised, and printed.	The printing of 68 pages of this Work continued, viz. from signature M to 2 E inclusive; and 440 pages of an Index of Persons and Places formed thereto.
	Mr Fowler	The original Inquisitions in this Repository, to be arranged in Portfolios, and Lists of the Inquisitions in each County to be prepared, and pasted on the inside of the respective Portfolios, according as the Repertory of each County shall have been printed	Transcripts of the Catalogues of the Inquisitions of each County in the Provinces of Leinster and Ulster prepared, and pasted on the inside of their respective portfolios, 213 pages of Repertory also formed to the Limerick, Cork, Clare and Kerry Inquisitions, recently found.
	Mr Fowler. The Secretary.	The entries in the Books of Fiants, to be collated with the files of original Fiants in this Repository, previously to the making a Transcript thereof for the use of the Office.	The entries of Fiants in the times of Hen VIII Edw. VI and Philip and Mary, collated with the originals.
Chief Remembrancer's Office.	Mr Mayne The Secretary.	A REPERTORY to the Decree Rolls in the Exchequer, to be formed and collated.	1166 pages of Repertory formed to Decrees of the years 1767, 1768, 1770, and from 1780 to 1783, inclusive, consisting of 910 Decrees, extracted from 7754 membranes.
Auditor General's, now Vice Treasurer's Office	Mr. Harding The Secretary.	AN Index of Persons, Places and Things, to be formed to The King's Letters and Government Warrants, &c. in this Repository.	The Draft Index to Eight Volumes, in continuation, completed
State Papers.	Mr. Sleater. The Secretary.	A LARGE lot of Books and Papers transferred to the State Paper Repository, to be arranged, and the contents of them added to the Catalogue already formed to the Documents in this Repository.	The arrangement and draft Catalogue of the principal documents, viz. those relating to the Elections of Magistrates in Towns Corporate, and those relating to the extent of Parishes and sites of Churches, completed
Statutes.	Mr Lawson. The Secretary.	A SUPPLEMENTAL Volume, containing the Corrigenda and various Readings of the Statutes, to be compiled and forthwith prepared for press	The Volume of Corrigenda completed to the nineteenth Volume of the printed edition, 3200 pages having been revised.
Lodge's List of Patentee Officers.	Mr. Lascelles, The Secretary	LODGE'S List of Patentee Officers, to be prepared for press.	No Report of Progress.
College MSS.	Mr H Mason The Secretary.	To collate the Catalogue of the MSS in the College Library with the Originals, and prepare it for press.	No Report of Progress
Acta Regia Hibernica.	Rev. Edw. Groves. Mr. Erck. The Secretary.	THE Transcripts of Charters and Privileges to Cities, Towns and other Corporate Bodies, prepared for press, to be printed.	The Printing commenced, and the first twenty pages completed.

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AND that at a Meeting of the said Commissioners, holden in the Privy Council Chamber, on the day of the date of this our Annual Report, the 25th and 26th Half-yearly Reports made to the Board, by the Committee of Observation, bearing date the 1st of August 1827 and the 10th of March 1828, respectively, having been read, The Board Ordered, (with respect to the additional accommodation contiguous to the Record Tower, stated in the Committee's Report to be requisite for the Forfeiture and other Records connected with the Crown Estate in Ireland) That the Secretary should take the necessary means for obtaining these Apartments, and for providing for the Arrangement and future Preservation of the Records and Documents intended to be therein deposited

The recommendation of the Committee, respecting the stitching together and securing the loose membranes of the Patent Rolls, having been taken into consideration, as well as a Letter from His Honour the Master of the Rolls, on this subject, and on the Arrangement of some of the early Pleadings in the Rolls Office, The Board Ordered, That measures should be taken by the Secretary, in the course of the Summer, for the Arrangement of those Pleadings; and that as soon as the stitching of the loose membranes of the Rolls, on which progress was making, shall have been completed, same be reported to the Master of the Rolls, with a request, that His Honour would be pleased to issue such instructions as he may deem necessary, to prevent the membranes of these Rolls from falling into disorder hereafter

The Board having considered that part of the Committee's Report, representing that in the formation of the new Crown Rental, now in progress under the direction of the Lords of the Treasury, the examination of the Books and Papers of the Forfeiture Office must be commenced forthwith. And, as the original intention of the Board, for providing for the accommodation and future security of these Records, in the Record Tower, has been facilitated by the Act of the 7th and 8th Geo. IV. c 68, which enables the Lords of the Treasury to provide for the security of Records, Books and Documents of any Offices that may be reduced or abolished under said Act, It was Ordered, That, in pursuance of the recommendation in the Committee's Report, the Secretary should write to the Lords of the Treasury, stating the necessity of the immediate Transfer of the Books and Documents of the Forfeiture Office to the Record Tower, for the purpose of completing the new Crown Rental; and submitting, that not only these Records, but also all other Records, Books and Papers, connected with this important subject, and which still remain dispersed in the keeping or possession of any offices or officers that may be reduced or abolished, should be transferred, for present use and future preservation, to the Record Tower, or the Apartments thereunto contiguous, as soon as the Lords of the Treasury shall think proper to make the necessary arrangements in respect of the Officers in whose custody the Records in question have heretofore been placed

With respect to the 2d Volume of Inquisitions, containing the Repertory of those in the Province of Ulster, printed under the Board's authority, It was Ordered, That, as soon as the Indexes of Persons and Places to this Volume shall have been arranged and printed, the Repertory thereof be forthwith published, with the respective Indexes of Persons and Places After which, The Board having taken into consideration the recommendation of the Committee, respecting the Inquisitions in the Chief Remembrancer's Office, and as it appeared desirable, that, previously to the examination of the Repertory thereof for Press, similar measures should be taken for cleaning those Inquisitions and placing them in Portfolios, as have been adopted with respect to the original Inquisitions in the Rolls Office; The Board Ordered, That the Secretary should take the necessary measures accordingly, for having these Inquisitions also cleaned and placed in Portfolios.

It was further Ordered, That as soon as the first part of the Calendar of the Patent Rolls shall have been published, Copies thereof be distributed among the several Public Offices and Libraries, in the same manner as the other Works of the Board have been distributed

And with respect to the 3d Volume of the Reports and Proceedings of the Board, printed by the authority of Parliament, the Secretary stated, that since the date of the Committee's Half-yearly Report, the remainder of the 300 Copies of this Volume, intended for distribution in Ireland, had been transmitted from London; Whereupon, The Board Ordered the Secretary to write a Letter of thanks to The Speaker, and to distribute Copies of this Work agreeably to the mode adopted on former occasions, and to preserve any Copies that may remain undisposed of, in the Record Tower, until further order.

The Board, concurring with the Committee in their suggestion respecting the compilation of Materials connected with the Ecclesiastical State of this Country; Ordered, That steps should be forthwith taken by the Secretary, with the assistance of Mr. Erck, to arrange for publication the several Documents of an Ecclesiastical nature, referred to in the Committee's Report, and to prepare same in the form of a Supplement, to be annexed to our Annual Report

With

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With respect to the Supplemental Volume, containing the Addenda and Corrigenda of the printed edition of the Statutes, which it appears by the Committee's Report will be soon finished, and with reference to the suggestions of the Committee on that highly important subject, and on the Expense which has been already incurred for obtaining a complete and authentic edition of the Statutes of Ireland, similar to that which has been already executed for England and Scotland, It was Ordered, That previously to adopting any steps for the publication of the Volume of Corrigenda, means should be taken by the Committee of Observation for having all the Materials of this valuable Work properly methodized, arranged and bound, and for having a detailed Abstract of the whole prepared for laying before The Board, and that a Copy of the Report, made by the Sub-Commissioners on the Statutes in the year 1821, and of that made by the late William Ball, Esq with the Board's Minute of the 19th of March 1823, relative to the abovementioned Volume of Corrigenda, be appended to this our Annual Report.

With respect to the new Crown Rent Roll, on which progress has been reported by the Committee, It was Ordered, That the Secretary should prepare, for the information of His Majesty's Commissioners of Woods and Land Revenue, a detailed Report of the progress made by the Sub-Commissioners engaged on this Work, under the Board's Order of the 24th March 1827.

The Secretary then laid on the table, Lists of the several Public Offices, Repositories, and Libraries in which Copies of the 1st Volume of the printed Repertory to the Inquisitions Post Mortem had been deposited; and as it appeared that after supplying the Public Offices and Libraries in Great Britain and Ireland, there would remain several Copies of this Work for sale; It was Ordered, That the Secretary should write to the Secretary of the Commissioners of Records in Great Britain, for ascertaining the mode adopted for the disposal of the several Copies of the Works printed under the authority of that Board, which remained, after supplying the several public Departments throughout the United Kingdom.

And lastly, We beg leave most humbly to state to Your Majesty, That, at the present time, We have not any other Matters to offer to Your Majesty's consideration, touching or concerning the premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Majesty's consideration

ANT. HART, C. (L. S.)
W. DUBLIN. (L. S.)
Dublin Castle, 25th March 1828. CHARLES KILDARE. (L. S.)
WILLIAM M^cMAHON. (L. S.)

Entered on the Minutes,
W Shaw Mason, Sec^y.

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APPENDIX:

CONTAINING

I.—Report made by the Sub-Commissioners on the Statutes, in pursuance of an Order of the Board, of the 16th October 1820, requiring a List of such Public General Acts as the Statute Sub-Commissioners conceive to be still in force, which are not in the printed Edition of the Statutes.

II.—Special Report on the Statutes made by Wm. Ball, Esq. pursuant to an Order dated the 8th May 1821.

III.—Minute of the Commissioners, respecting the Volume of Corrigenda, dated the 19th March 1823.

I.

TO HIS MAJESTY'S COMMISSIONERS ON THE PUBLIC RECORDS OF IRELAND.

Report of the Sub-Commissioners on the Statutes, in reference to an Order of the Board of the 16th of October last, requiring a List of such Public General Acts as the Statute Sub-Commissioners conceive to be still in force, and not to be found in the printed Edition.

I. Report made by the Sub-Commissioners on the Statutes, in pursuance of an Order of the Board of the 16th Oct. 1820.

AS it has been the desire of The Board that we should present to them a List of such Public General Statutes, in force at the present day, as occur amongst our Antiquarian materials, we have done so to the best of our judgments, but, at the same time, with a diffidence proportioned to the difficulty of the subject, and a consciousness, that, "whether a Public General Act or not," and, "whether in force or not," are both of them questions determinable only by the Judges of the land. we have therefore admitted all such Acts as were to us doubtful into our List.*

We trust, however, that we may express to The Board our hopes, that the selection of Antiquarian matter for the Press may not be limited by either of those qualifications, although a selection of some kind might be expedient, inasmuch as this would, in the first place, exclude much of the most useful and curious part of the collection; in the next place, be a total deviation, not only from the original plan chalked out to us by The Board, but from all plans upon which any edition of the Statutes at large, in either part of the Kingdom, has hitherto been published; and finally, would not be calculated to forward the great object, which, as it appears from the Preface to the Statutes of the Realm, and from other documents, the Legislature had in view in committing the Statutes to the consideration of the Board of Public Records.

With respect to ourselves, the original Order was, "to include every law, as well those repealed or expired, as those now in force," so as to have "an entire text of the Statute Law of Ireland;" to which a subsequent Order

* In making our selection, we have adopted, as far as was possible, the distinctions between public and private Acts that are to be found in a Parliamentary Report upon the promulgation of the Statutes, printed in 1796.

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I.
Report made by the Sub Commissioners on the Statutes, in pursuance of an Order of the Board of the 16th Oct 1820

Order added, "that we should follow, without deviation, the plans of the English Statute Sub-Commissioners;" with neither of which Orders would such selection as above mentioned be, in our opinion, consistent.

With respect to all other editions of the Statutes at Large, and the new edition of the Statutes of the Realm in particular, a very slight inspection will shew that the second of those qualifications has never been attended to, and the first but partially, and in the Antiquarian part of the Statutes of the Realm, not at all *

It may, perhaps, be necessary to detail what appears to have been the plan of the Editors of that Work, with respect to the former of these qualifications The Statute Roll served to them as a text down to the 8th Edw IV. with few intermissions; and they adhered to it with a fidelity so minute, as not only to print the Private Acts that were enrolled thereon, (see pref to vol ii. p 6,) but Writs to promulgate particular Statutes, Letters Patent, Oaths of Officers, and even matters which were cancelled (see 25th Edw I 27th Edw I and also vol i p 247, and ii p 647,) and, although the Parliament Rolls contained, in many instances, matters which had every mark of the threefold assent which is requisite to constitute a Statute, they omitted them, if they either were not to be found on the Statute Roll, or had not been already printed.†

The 4th Hen VII makes another æra Editors of former unauthentic editions, printed Acts passed since this time, no longer as parts of our General Statute, and admitted only such as were of a public nature but throughout the 2d Volume the edition of the Statutes of the Realm gives the "completest Copy the Records can afford" of the Statutes of Ric. III. and of 1st, 2d, and 4th Hen VII (see pref to 2d vol p. 3, 5 and 6); they frequently add even clauses in favour of particular individuals (for the first time) to the printed Acts.

To the end of the 2d Volume, from 4th Hen VII to the 1st Hen. VIII exclusive, many Acts are printed from the enrolment in Chancery, of a merely private nature, because the Roll "does not make any marked distinction between such Acts as are to be considered public, and therefore proper to be inserted in the Statute Roll,‡ and those which are private, or not to be considered as part of the General Statute of the year" (Pref. to vol. ii p 6)

This system continued throughout the 3d Volume of the 31st Hen. VIII.; and instances are frequent, of printing Statutes of this description, which were only enumerated by their titles in former editions, (see the Table to vol iii and pages 14, 40, &c, the latter of these is merely to secure certain lands to one Compton)

In the 31st Hen. VIII., and from that period, the Public and Private Statutes are separated on the Roll, and from this date no Private Statutes are printed, but only their titles given

In Ireland, we have the Statute Rolls from the 5th Hen. VI, with few interruptions in the series, to the time of the Union, and the distinction of Public and Private Acts occurs but on one Roll before the time of Chas. II.; this is on the Roll of the 10th Hen. VII, and it is very inaccurately made, for many of the Acts that are classed as "Communes," or Public, are Private, both in their character and in their influence, and one, which should perhaps be considered as Public, is put among the Private, or "Particulares"

To return to the subject of the Order of the Board. We do not suppose that there are above 120 Public General Acts now in force, and not already in print,§ in our entire collection; and such are not the most interesting and important of the series It must be admitted there are several Acts which ought to be rejected,‖ but, as to the exclusion from the edition of all but Public General Acts, we beg leave further to observe,—

First,

* So little was the responsibility of making the above distinctions exacted from the Editors of that Work, or undertaken by them, that, even as their words declare, "any decision upon the degree of authority to which any new instrument may be entitled, as being a statute, or not, is entirely disclaimed."—(Pref to vol. i p. 31)

† They consider their having been printed before as an evidence of their having been formerly holden to be a part of the Statute Law The editors reprinted every Act that had been printed antecedent to the year 1735, and all of a public nature, which Serjeant Hawkins then added, or which have since been found upon certain documents

‡ It is to be remarked of the Statute Roll of England, as contradistinguished from ours, that it contained much fewer private Acts; and also, it contained a smaller number, in proportion to the public Statutes, than did the enrolment in Chancery here alluded to it is likely that private Acts were never excluded from our Statute Roll.

§ The Statutes at present in print, previous to 10th of Hen VII (see vol. i pa. 41 of this edition of Irish Statutes) are only translations, the originals of which have never been published They were selected by Sir Richard Bolton, and there is every reason to suppose that they were never corrected from the Roll, by subsequent editors, as we find that many of the errors which had crept into the edition by Sir Richard, are copied into later editions One instance is remarkable by the 8th Edw IV. all the English Statutes "concerning rapes" are adopted, but the words "concerning rapes" being omitted in the print, the Act appears to adopt all the Statute Law of England, instead of that part only that was "concerning rapes."

‖ Such as two very long Appeals, which were decided by the entire Parliament, consisting of King, Lords and Commons, as a judicial body; Licences of absence from the realm, and several others

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I.
Report made by the Sub-Commissioners on the Statutes, in pursuance of an Order of the Board of the 16th Oct 1820

First, That in the Statutes of the Realm, as far as the two first Volumes go, (which comprise a period of time that includes all our Antiquarian matter) the Commissioners of Records appear to have rejected nothing.

Secondly, It should be remembered that these Statutes, although not printed, are as much in force as publication could make them; and, while they remain unknown, they are the concealed means of disturbing the possession of property;* a circumstance which may give to the acute investigator an unfair advantage, over, perhaps, a rightful inheritor; as, when the Statute Law is but partially known, this danger may be more dreaded than when the entire is before the public.

And, Thirdly, The antiquity of the Statutes in question seems to put them all nearly upon a level in this respect, and to suggest quite different rules for estimating their relative interest and importance.

We have, therefore, besides making the List that is at present submitted to The Board, prepared for their consideration a second List, containing such of those Statutes as, after the most mature consideration, we conceive of sufficient importance to be printed, from this List the former was extracted

All which is respectfully submitted this 20th day of January 1821

(signed) *Wm Ball.* *Hen. J M Mason.*
Edwd Lawson. *Roderick Connor.*

II.

Special Report on the Statutes, made pursuant to Order dated the 8th May 1821.

II
Special Report on the Statutes, made by Wm Ball, Esq pursuant to an Order dated the 8th May 1821

Having been directed by The Board to note in the margin of the List of old Public General Statutes lately submitted to them, such subsequent Acts from the printed edition as appear to affect them, I have endeavoured to obey their order, but in perusing the List with that intention, I found it much too general and scanty, in its account of many of the old Statutes, to direct my research. I was therefore obliged to have recourse to the transcripts of those Acts themselves, and was so enabled to give a fuller account of them, which I have accordingly done, and by that means to consult the modern Acts with greater prospect of success.—And as I was obliged to look through our whole antiquarian collection to find the Statutes selected for that List, I found on that examination a few more Acts of a public general nature, which I have inserted in their proper places.

This enlarged List I now submit to The Board, together with such notes of reference to modern Acts as I have been able to collect. And I feel tempted in this place, with great deference, to suggest, that by a careful re-perusal of our Antiquarian collection, found necessary as mentioned above, I am confirmed in the opinion, that if only the Acts contained in this List be printed, much of the most interesting matter in the collection will be omitted, and that the principal, I might perhaps say the only, value of the Work, namely, as a History of the progressive state both of the Country and of its Laws, will be much less than it would be, if (what I firmly believe might be done with perfect safety) no Statutes in the Collection, except Charters to Cities and Burghs, Patents of Land, and judicial decisions on the landed rights of individuals, were excluded.

All old Statutes clearly not now in force, as also all Public Local Acts, were, as well as private and personal Statutes, omitted in the Select List, in consequence of the Board's order that it should contain only Public General Acts in force. Of these three excluded heads, the two first contain much curious matter, as do also several

* The influence of unprinted Statutes upon existing rights may be illustrated, among other instances, by the circumstances of a late Trial in the contest for the deanery of St Patrick's

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